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Governor

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Stephen A. Owens
Director

**Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Workshop
Monday, June 18, 2007 6:00 p.m.
ADEQ, Room 250
1110 W. Washington St., Phoenix, Arizona**

NOTES

ATTENDEES: See attached.

HANDOUTS

- Agenda.
- Developing a Framework for Regulating Solid Waste in Arizona (presentation).
- Draft Solid Waste Facility Classification: Tiered Regulatory Framework.
- Relevant statute and other references, contact information.

WELCOME

Facilitator Theresa Gunn, Gunn Communications, Inc., explained that the purpose of the meeting was to achieve the following:

- Review current solid waste rules and regulations.
- Present ADEQ's considerations in changes to solid waste regulation.
- Obtain stakeholder input.

Gunn facilitated introductions.

INTEGRATED REGULATORY FRAMEWORK

Martha Seaman, Waste Programs Division, presented an overview of the regulatory framework. She reviewed key statutes and definitions, why rulemaking is necessary, and why it is necessary at this time. Highlights of assumptions include:

- The mandate to create solid waste facility rules has existed since the early-1980s, or prior, which is before the agency was created.
- Arizona has a regulatory gap as compared to six western states: Utah, Nevada, New Mexico, Colorado, Texas, and Washington.
- Other states regulate both more waste streams and more types of solid waste facilities.
- ADEQ is concerned that the regulatory gap creates a protection deficit.

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Gunn asked stakeholders if agreed this was the right time to move forward with these rules. Key stakeholder concerns included:

- See the need for focusing on increasing diversion rates, similar to California.
- See the need for recycling regulations, especially at private facilities.
- APS currently manages CESQG, though this is not a mandate.
- Will need more guidance through transition time.
- EPA's MOU with utilities focuses on health and safety, not just regulations. This may be appropriate during transition, with similar work with facilities in a more collaborative mode, instead of regulatory mode.

INTEGRATED REGULATORY FRAMEWORK

Seaman presented a rule overview and agency assumptions. Highlights include:

- Consideration is made regarding the appropriate level of regulation.
- Legislative changes are not being sought, and the agency will work within the current statutory framework.
- Assumptions include:
 - Design and operating rules will be written.
 - A basic set of substantive requirements will apply to all solid waste facilities.
 - Requirements beyond the minimum may be required according to the type of facility.
 - A procedural framework for assuring compliance.
 - Financial assurance will be required after design and operating requirements are in place. A new facility could not operate without demonstrating financial assurance. An existing facility must show financial responsibility but may continue to operate.
- ADEQ will fully implement APP standards for all existing and new landfills. Non-MSWLFs are already subject to APP.
- Rules will be adopted to address the handling of conditionally exempt small quantity generator waste in the solid waste stream.
- There are approximately 20 exemptions to the definition of a solid waste facility, and another 20 exemptions to the definition of solid waste. There are various thresholds to becoming a solid waste facility.
- ADEQ is interested in engaging in a stakeholder discussion regarding creating an efficient, fair system for facility owner/operators with respect to the financial assurance review and approval that ADEQ is mandated by statute to perform. .
- A tiered regulatory approach would include the following categories:
 - Exempt.
 - Subject to inspection.
 - Subject to best management practices.
 - Self-certification.
 - Subject to plan approval (classic permitting process).

Responses to stakeholder questions and comments:

- Discarded drugs can also be a hazardous waste.
- These rules would look at how hazardous waste is handled at a facility (such as at a CESQG) that is not designated a hazardous waste facility.

Key stakeholder concerns included:

- Would like to see the definition clarified regarding biomedical waste and unused/discarded drugs.
- How will CESQG waste relate to federal regulations.
- Definition of recyclable material comparable to fuel rule.
- Agency should see the EPA rules and potential negative impacts of specific recyclables.

WHICH FACILITIES WILL BE COVERED BY THE NEW RULE?

Seaman presented the regulatory tier designation matrix. The matrix includes the type of solid waste facility, the tier(s) under which a facility would be included, and citations for the statute(s) used to determine the tier.

There were not any comments from stakeholders. Gunn encouraged stakeholders to contact Seaman with any concerns about where facilities fit into the matrix.

ARTICLE 3 AND OTHER REGULATORY ISSUES

Seaman reviewed the handling of solid waste other than at solid waste facilities, Article 3 considerations, and next steps in the rulemaking process. Highlights included:

- AAC Ch13, Art 3 may be amended.
- These rules referring to methods of disposal date back to the 1960s and have not been updated. These rules are obsolete due to subsequent statutes.
- Basis for county delegation agreements.
- Next steps include:
 - Distribution of the rule text in August.
 - Workshops on rule text in September and October.
 - Filing the notice of proposed rulemaking by the end of 2007.

Gunn asked stakeholders what other concerns they had and what information should have been included in the presentation. Stakeholder feedback included:

- It will be important to see how the pieces work together.

Responses to stakeholder questions and comments:

- In reviewing other states rules, some jurisdictions were waste stream oriented, others were facility oriented, and yet others were similar to Arizona with a mix of the two philosophies.
- EPA does not have a solid waste program beyond landfills.

Action item:

- ADEQ will determine whether it is appropriate to distribute the comparison information showing the six other states rules.
- ADEQ to determine if the Powerpoint presentation can be included on the website.

Seaman encouraged stakeholders to contact her with any concerns about where facilities fit into the matrix, and any other issues related to this rulemaking.



Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Attendees – June 18, 2007, 6:00 p.m.

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Robert	Mills	APS	602-980-0865	robert.mills@aps.com
Ernie	Ruiz	City of Glendale	623-930-2659	eruiz@glendaleaz.com

ADEQ and facilitation staff included:

Mindi Cross, ADEQ
Peggy Guichard-Watters, ADEQ
Mark Lewandowski, ADEQ
Denise McConaghy, ADEQ
Martha Seaman, ADEQ
Robin Thomas, ADEQ
Theresa Gunn, Gunn Communications, Inc.
Kelly Cairo, Gunn Communications, Inc.